

## **REMARKS**

In response to the Restriction Requirement, which the Examiner imposed, Applicant elects the Group II invention with traverse.

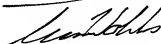
The signaling aptamers that the Examiner has identified in Groups I-VI are all anti-adenosine signaling aptamers and all possess a common 6 residue sequence motif (*see* Specification, p. 24, ln. 10-11; FIG. 1C). The raCB7b and raRG7b signaling aptamers, which the Examiner placed in Groups V and VI, are Cascade Blue-labeled and Rhodamine Green-labeled versions of raf17-U61C (Group II), respectively (Specification, p. 32, ln. 5-8). The Examiner has provided no reasoning for the restriction of signaling aptamers that recognize the same target and may be used to fluorescently signal the presence of that target.

The Examiner further asserts that restriction is appropriate because the search for each group is not coextensive because the distinct products require separate and distinct searches. Accordingly, the Examiner has restricted each group to one nucleic acid sequence. Applicant notes, however, that the Commissioner has determined that normally ten independent and distinct nucleotide sequences constitute a reasonable number for examination purposes in a single application. 1192 OG 68; *see also* MPEP § 803.04. It is the Examiner's burden to establish by appropriate explanation that there would be a serious burden on the Examiner if restriction is not required. MPEP § 808.02. The Examiner has provided no reasoning to justify why, if ten independent and distinct nucleotide sequences normally constitute a reasonable number for examination, it is reasonably to examine only one sequence in the present application.

In addition, claims 1 and 12 are generic claims and hence link Groups I-VI. In a restriction requirement, the presence of generic linking claims should be stated on the record. M.P.E.P. §814, §809. The linked claim "must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn." M.P.E.P. §809. Accordingly, Applicant respectfully request that it be indicated on the record that claims 1 and 12 link Groups I-VI and that the restriction requirement be withdrawn at such time as a linking claim is found to be allowable.

In view of the above, Applicant respectfully requests the reconsideration and withdrawal of the restriction requirement. The Examiner is invited to contact the undersigned attorney at (512) 536-5654 with any questions, comments, or suggestions relating to the referenced patent application.

Respectfully submitted,



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